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IN THE UNITED STATES DISTRICT COURT  
CENTRAL DIVISION, DISTRICT OF UTAH

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C&P COAL CORPORATION, a Utah Corporation	:	Case No. 2:04-cv-942 TS
	:	
Plaintiff,	:	<b>ORDER DENYING PLAINTIFF'S</b>
	:	<b>MOTION TO COMPEL</b>
vs.	:	
	:	
CONSOLIDATION COAL COMPANY, CONSOL ENERGY, INC. and CNX LAND RESOURCES, INC., all Delaware Corporation	:	Judge Ted Stewart
	:	Magistrate Judge Brooke C. Wells
Defendant.	:	

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Plaintiff seeks to compel the production of documents related to an investigation stemming from an anonymous letter sent to Defendants' Board of Directors.<sup>1</sup> Plaintiff argues that the requested documents are relevant and discoverable under the broad discovery standards. Defendants counter, arguing that the information is not relevant and privileged.

On March 30 the court heard oral argument on Plaintiff's motion. The court requested Defendant to submit for *in camera* review the documents at issue. Rule 26(b)(1) of the Federal Rules of Civil Procedure provides: "Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action . . . ." <sup>2</sup> "[A]t

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<sup>1</sup> Docket no. 32.

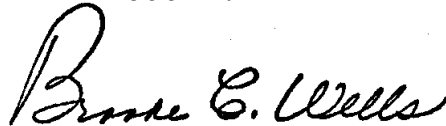
<sup>2</sup> Fed. R. Civ. P. 26(b)(1).

the discovery stage, the concept of relevance should be construed very broadly."<sup>3</sup> Even with this generous standard-and after conducting an extensive *in camera* review-the court finds the documents are not relevant to "the claim or defense of any party."<sup>4</sup> Therefore, the court DENIES Plaintiff's motion to compel.

Finally, the court turns to Defendants' motion to compel.<sup>5</sup> Plaintiff has made representations that the information Defendants seek in their motion will be provided. The court requests that the parties use their best efforts to resolve this motion in a timely manner and notify the court when a resolution is reached. In the intervening time frame, the court holds in abeyance any decision on the merits of this motion.

DATED this 17th day of May, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Brooke C. Wells", is written over a horizontal line.

BROOKE C. WELLS  
United States Magistrate Judge

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<sup>3</sup> *Gohler, IRA, et al. v. Wood et al.*, 162 F.R.D. 691, 695 (D. Utah 1995).

<sup>4</sup> Fed. R. Civ. P. 26(b)(1).

<sup>5</sup> See Docket no. 38.